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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: review of the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session and its contribution to shaping a gender perspective in the realization of the Millennium Development Goals

Statement by Coalition Against Trafficking in Women, Company of the Daughters of Charity of St. Vincent de Paul, Congregation of Our Lady of Charity of the Good Shepherd, Grail, International Presentation Association of the Sisters of the Presentation, Salesian Missions and UNANIMA International, non-governmental organizations in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

1. We, international non-governmental organizations committed, through direct service and advocacy, to the human rights and empowerment of girls and women, welcome this opportunity to review the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly during the upcoming fifty-fourth session of the Commission on the Status of Women. We work in grass-roots gender empowerment activities and specifically in service provision and advocacy for women and girls who are prostituted and trafficked for sexual and labour exploitation. Based on our collective experience, we acknowledge that although some progress has been made in implementing laws and other measures against trafficking in girls and women, very limited work has been carried out to address one of its key motivating factors, the prostitution of girls and women. However, the Special Rapporteur on trafficking in persons, especially women and children, noted in her report[1] that despite actions taken against trafficking, the phenomenon of human trafficking is global, and is expanding, rather than declining. In her report, the Special Rapporteur also highlights the hidden aspect of unreported and undocumented within-country trafficking, and the vulnerability of 1.2 million children. Trafficking generates massive profits for traffickers and massive human rights violations.

2. In the Beijing Platform for Action, Government's noted that the use of women in international prostitution and trafficking networks had become a major focus of international organized crime and called for the implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others[2]. In 15 years, some advances have certainly been made: the United Nations Convention against Transnational Organized Crime entered into force on 29 September 2003 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, entered into force on 25 December 2003. While this Convention and its Protocol have created awareness of the enormity of the issue and led to initiatives to organize a unified global response, a comprehensive approach to trafficking is still lacking. We note with concern, for instance, that many Governments and members of civil society have focused on cases of trafficking in which there is proof of force, fraud or coercion of the victim, thereby excluding victims who were exposed to trafficking through "the abuse of power or of a position of vulnerability", as set forth in the Protocol. Moreover, while agencies such as the United Nations Office on Drugs and Crime and other actors have highlighted the need to protect victims, prosecute traffickers and effect legislative changes at the national level, they have neglected to emphasize the need to prevent trafficking in the first place by focusing on its root causes, such as the demand for prostitution. Unless the United Nations, Governments and civil society address the tremendous role of the global sex industry in creating the demand for sex trafficking, trafficking in girls and women will continue to flourish.

3. Since Beijing, the decision by the Commission on Human Rights, at its sixtieth session, to appoint a Special Rapporteur on trafficking in persons, especially in women and children, and to focus on the human rights aspects of victims in

[1] A/HRC/10/16.

[2] Beijing Platform for Action, para. 122.

trafficking in persons is a positive step. The Human Rights Council extended this mandate in 2008. Good practices and areas of concern are identified through the individual complaints procedure, country visits and the annual report of the Council.

Issues to be addressed

4. In accordance with paragraph 113 of the Beijing Platform for Action, the term "violence against women" encompasses but is not limited to the following: physical, sexual and psychological violence occurring in the family, within the general community or perpetrated or condoned by the State. In paragraph 113 (b), trafficking in women and forced prostitution are mentioned. These practices are contrary to the human rights and fundamental freedoms of each and every girl and woman. Prostitution is never a real choice made in freedom. All prostitution denies and violates the inalienable, integral and indivisible part of all human rights and fundamental freedoms of girls and women. The situation is further blurred when labour laws regulate prostitution and call it "sex work", as this implies that if working conditions are in conformity with labour standards, then prostitution is acceptable. Prostitution is never acceptable; it demeans and dehumanizes the person and human sexuality. Legalization of prostitution exacerbates the widespread sexual abuse of girls and women by increasing demand for prostituted girls and women and thereby fuelling sex trafficking. Legalization policies fail to recognize the lack of negotiating power of prostituted girls and women and the inherent violence of prostitution.

Underlying causes

5. Two significant underlying causes of trafficking in women and girls persist: gender inequality and demand. As long as girls and women continue to live in a world where they are oppressed in cultures based on power, male dominance and patriarchy, there will be a continual erosion of human rights and escalation of trafficking in girls and women. The attitude and acceptance of male privilege generates a culture of demand, which must be confronted.

6. Laws, while very important, will in themselves never effect real change until all persons — both women and men — experience gender equality and equitable power relations, and until human rights and dignity of each person are recognized. A change is required. Demand for trafficking in girls and women and the greed of those who profit from the exploitation of all forms of enslavement must be denounced. At the same time, policies and law enforcement officials must uphold human rights; acceptance of "sex work" and trafficking in persons must be condemned; and perpetrators and profiteers must be prosecuted using the full rigour of the law.

Recommendations to Member States

7. Strategic Objective D.3 of the Beijing Platform for Action reads "Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking". The suggested actions — ratification and enforcement of international conventions, measures to address root factors, the dismantling of trafficking networks, allocation of resources and educational and training programmes[3] — are

[3] Ibid., para. 130.

even more relevant today in the context of the increasing human trafficking phenomenon. The strategies embedded in the Beijing Platform for Action still have not been implemented. Therefore, we urge Governments, intergovernmental organizations and civil society to:

- Implement coherent human rights-based national policies that explicitly denounce prostitution and its legalization as a violation of women's human rights.
- Establish a global action plan to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, with targets that are measurable, quantifiable and time-bound.
- Adopt a model of trafficking legislation, following Sweden's example, that addresses demand by criminalizing traffickers and purchasers and by decriminalizing women and girls exploited by market forces of supply and demand.
- Strengthen community educational programmes that address gender inequality, male privilege and the culture of demand that perpetuates trafficking in girls and women. Develop widespread public awareness campaigns of zero tolerance for all forms of exploitation.
- Address poverty, unemployment and gender inequality by linking anti-trafficking and anti-prostitution initiatives with the Millennium Development Goals. Ensure the adoption of labour policies that promote decent work and protect against exploitation.
- Resource and improve protective measures for victims of trafficking, regardless of whether or not they are participating in criminal justice proceedings.
- Enact and enforce legislation to combat all forms of violence against women.